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5 **to:** Gerald Goldberg, Director
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 date: 6 July 1999
 serial no.: Application No. 08/506,032 entitled "Data Entry Method and
10 Apparatus"
 applicant document #: 032-33
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6 July 1999

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Donald K. Forest

Group Art Unit:

2774

Serial No.: 08/506,032

Examiner:

Filed: 24 July 1995

Regina Liang

Title: DATA ENTRY METHOD
AND APPARATUSApplicant Document Number:
032-33

PETITION UNDER 37 C.F.R. §1.181 TO
WITHDRAW THE FINALITY OF THE FINAL REJECTION
ENTER THE VIDEO TAPE
ENTER THE AMENDMENT AFTER FINAL
COMPENSATE APPLICANT FOR PTO NONFEASANCE

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This Petition presents the status of this Application, a request for speedy determination of this Petition, and the authorization to charge fees. This is followed by the formal petition requesting four specific actions, and then four sections, each corresponding to one of the four requested actions.

In this Application on 12 November 1998, Examiner Regina Liang issued an Office Action ("Final Rejection") rejecting all then pending claims, specifically claims 1, 19-41, 43-58, 61-80, 82-89, 94, 101-106, 108, and 112-205. On 12 April 1999, Applicant submitted Amendment After Final, Applicant Document No. 032-26, Video Tape, Applicant Tape No. 032-27, and Notice of Appeal, Applicant Document No. 032-28. In the Amendment After Final, Applicant (1) requested reconsideration of the finality of the Final Rejection, (2) requested entry of the Amendment After Final, and (3) requested entry of the Video Tape. On 6 May 1999, the Examiner issued an Advisory Action denying traversal of finality and refusing entry of the

Amendment After Final (Advisory Action, p.2, paragraph 1). On 12 May 1999, the Examiner issued an Interview Summary stating that the Video Tape had been "placed in the file".

Applicant requests a speedy determination on this Petition. Applicant has already filed a Notice of Appeal appealing from the rejection of each of the rejected claims, and a Brief on Appeal is due by August 14, 1999. The outcome of this Petition will effect the language and scope of the claims on appeal. A speedy determination on this Petition will allow Applicant to write a Brief on Appeal which addresses the claims as they will appear before the Board of Appeals.

This Application was made Special on 17 January 1996.

Applicant is prosecuting this Application *pro se*.

The Commissioner is hereby authorized to charge the petition fee and any fees due under 37 C.F.R. §1.16 or §1.17 during the pendency of the present application to Deposit Account No. 06-1553.

Petition

Applicant hereby petitions the Commission under 37 C.F.R. §1.181 to: (I) withdraw the finality of the Final Rejection and reopen prosecution of this Application, (II) enter the Video Tape into the record of this Application, (III) enter the Amendment After Final into the record of this Application, (IV) compensate Applicant for losses he sustained due to PTO nonfeasance, and take such other action as is specifically requested in each section below. These requests are independent of one another. In particular, Applicant seeks entry of the Video Tape and the Amendment After Final and compensation for PTO nonfeasance irrespective of the Commissioner's decision on the other requests.

I. Withdraw the finality of the Final Rejection and reopen prosecution

Applicant requests that the Commissioner reverse the Examiner's decision in the Advisory Action on reconsideration of the finality of the Final Rejection, i.e. withdraw the finality of the Final Rejection, require the Examiner to answer all requests for affidavits or prior art references, issue a complete and clear non-final action, and allow Applicant an opportunity to respond thereto. The grounds for this request, discussed in detail below, are that: (A) the Final Rejection is premature, (B) the Final Rejection is incomplete and unclear, in violation of 37 C.F.R. §1.113(b), (C) public policy dictates that the finality of the Final Rejection be withdrawn, (D) the

Final Rejection violates of Applicant's right to due process. (E) repeated appeals, a real prospect in this Application, deprive Applicant of patent rights. (F) the Final Rejection is based on the Examiner's personal knowledge which has not been duly established in the record, despite proper requests, and (G) the Examiner applied the wrong legal standard in deciding Applicant's request for reconsideration of the finality of the Final Rejection.

A. The Final Rejection is premature

The Final Rejection is premature in introducing two **new grounds of rejection**:

1. In the Final Rejection the Examiner found that "Ito in Fig. 9, teaches the user moves the cursor for pointing at a displayed data input location, wherein the displayed data input locations, e.g., displayed keyboard, having border confining the location to the display area, which reads on the confining at least part of the first cursor to the first polygon as claimed." (Final Rejection, p.9, lines 10-13) The Examiner stated this ground of rejection for claim 19 for the first time in the Final Rejection. Claim 19 was not amended since the previous Office Action, dated 27 May 1998. Therefore the rejection was not necessitated by the Amendment filed responsive to that Office Action.

2. In the Final Rejection the Examiner found that "it is obvious to modify the device of Ito as modified to display **any kinds** of displayed sequences on the display screen since it is the function of a display to display information." (Final Rejection, p.11, lines 15-17, emphasis added). The Examiner stated this ground of rejection for the first time in the Final Rejection. While the Examiner has not clearly stated which claims were rejected on this ground, Applicant infers that one of the claims rejected on this basis is claim 32. Claim 32, in Markush format, limits the meaning of icon in parent claim 31 to the enumerated representations. While claim 32 was amended since the previous Office Action, dated 27 May 1998, the amendment was the **deletion** of an extraneous phrase. Thus claim 32 was, if anything, narrowed by amendment. Therefore the rejection was not necessitated by the Amendment filed responsive to that Office Action.

B. The Final Rejection is incomplete and unclear, in violation of 37 C.F.R. §1.113(b)

The Final Rejection is **incomplete**. 37 C.F.R. §1.113(b) requires that examiner "state **all** grounds of rejection." (emphasis added). Although all claims stand rejected, the Examiner did **not address** limitations in claims 21, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36, 37, 38, 44, 47,

48, 53, 56, 61, 82, 86, 87, 88, 94, 105, 117, 118, 119, 120, 121, 122, 123, 124, 136, 137, 138, 139, 140, 142, 143, 144, 145, 148, 149, 150, 154, 155, 156, 157, 167, 168, 169, 174, 180, 183, 184, 185, 200, 201, 202, 203 and 205. The specific limitation of each of these claims which is not mentioned in the Final Rejection is noted immediately below. The new results achieved by the claimed combinations, while referenced in the list below, are discussed more fully in the Amendment After Final, Applicant Document No. 032-26, filed 12 April 1999. None of these limitations or new results are suggested or disclosed in the applied art.

	Claim	Limitation Not Addressed & Comment, if any
10	21	at least one of the selectable regions intersecting the at least partially circumscribed region. The claimed structure is illustrated in Figure 32 of the instant Specification and is described on page 63, lines 24-30.
	23	switching between two confining polygons responsive to an intersection
15	24	switching between two confining polygons responsive to a distance between two of the successive locations
	25	switching between two confining polygons responsive to an angle indicated by three of the successive locations
	26	two confining polygons intersecting one another
	27	two confining polygons, one including all the area of the other
20	28	selection responsive to a distance of overshoot between the particular location and the first cursor
	29	selection responsive to a distance of overshoot between the particular location and the intersected selectable region
	32	any of the types of icons enumerated in this claim
25	33	(a) selectable regions partially on and partially outside the display, (b) selectable regions accomodating overshoot, or (c) dynamic menus on the display
	34	selection of a character from a character hierarchy
	35	any of the characteristics of characters enumerated in this claim
	36	distributing perimeter submenu options responsive to frequency of use
30	37	the claimed relationship between screen distance and frequency of use
	38	the claimed relationship between the position of a character and the position of a submenu option

44 the claimed relationship of displayed menu options and selectable regions. The
selectable regions do not intersect the menu options because the selectable regions
are outside the display area and the menu options are displayed on the display area.

47 the claimed disabling function

5 48 disabling all functions except the enabling function

53 selection responsive to the durations of a **plurality** of successive periods of
intersection

56 a perimeter menu hierarchy, i.e. dual pluralities of selectable regions on the display
at least partially circumscribing the same region

10 61 a clipper for generating, in response to the location indicated by the body member of
the operator indicating a location **outside** the display screen, a clipped location
indicative of a location on the display screen

82 switching between two confining polygons responsive to a sensor signal indicative
of an actual or attempted muscle activation

15 86 indicating which plurality of menu options is associated with the dwell selectable
regions

87 a signal level threshold

88 a signal duration threshold

94 (a) a delimit device for delimiting an invisible selectable region, (b) an invisible
selectable region outside the display screen, and (c) the new result of increased speed
20 of selection

105 selection means responsive to a sound

117 the claimed predetermined period

118 non-adjacent selectable regions

25 119 a second selectable region adjacent of one of the first selectable regions

120 confining the movement related signal on two sides of a selectable region

121 a confiner penetrable under certain conditions

122 displaying a second cursor responsive to the location indicated by the movement
related signal

30 123 repeating the previously spoken first sequence

124 repeating the previously spoken first sequence either more loudly or more slowly

136 a remaining dwell time indicator

- 137 an indicator for indicating non-intersection after a dwell indication
- 138 an indicator for indicating the duration of a period of non-intersection after a dwell indication
- 139 an indicator for indicating opposite indications of the duration of periods of intersection and non-intersection
- 140 a dwell time indication by modification in brightness
- 142 a slight modification for a dwell time indication and a marked modification for a selection indication
- 143 a selection indication by modification in hue
- 144 an indicator intersecting the selectable region
- 145 an indicator coterminous with the selectable region
- 148 the claimed relationship within the menu hierarchy
- 149 any of the classes of characters or words enumerated in this claim
- 150 distributing menu options
- 154 any of the symbols enumerated in this claim
- 155 (a) selection responsive to the durations of a **plurality** of successive periods of intersection, (b) accomodating overshoot, (c) increased speed of selection, (d) simultaneously accomodating impaired fine motor control and providing space for an application program window, (e) selectable regions adjacent a confiner, (f) circumscribing selectable regions on the display screen, (g) selectable regions partially on and partially outside the display
- 156 selection responsive to the duration of a period of non-intersection
- 157 intersection and non-intersection having the claimed opposing effect on selection
- 167 overlapping perimeter menus
- 168 overlapping perimeter menus
- 169 voice output responsive to a path of the user movement
- 174 at most one of the selectable regions adjacent the display screen
- 180 indicating the location of a selectable region outside the display screen
- 183 a tactile indicator
- 184 indicating the location of one of the successive locations located outside the display screen
- 185 indicating the distance to one of the successive locations located outside the display

screen

200 voice output responsive to a ratio between durations

201 a distance indicator

202 the predetermined period is a function of detected user fatigue

5 203 any of the classes of characters or words enumerated in this claim

205 (a) a selectable region of a minimum dimension relative to the user's range of motion, (b) the new result of increased speed as explained by application of Fitts' Law

10 37 C.F.R. §1.113(b) requires that the Examiner clearly state the reasons supporting the rejection. *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443, 1447 (Fed. Cir. 1992) (Plager, J., concurring). The Examiner has failed to do so. The Examiner, in the rejection of each of the claims listed above, has (1) ignored the claimed limitation, and (2) failed to state why the combination of the claim is obvious. Until the Examiner clearly states the reasons for the rejection, the Final Rejection is incomplete. It is therefore premature to make the rejection final.

15 The clear statement standard of 37 C.F.R. §1.113(b) is further defined, as it pertains to rejections under 35 U.S.C. §103, in MPEP 706.02(j). MPEP 706.02(j) directs the Examiner to state: (A) the relevant teachings of the prior art relied upon, (B) the difference(s) in each claim over the applied references, (C) the proposed modification(s) of the applied references necessary to arrive at the claimed subject matter, and (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

20 The Examiner's stated rationale for so modifying Ito, italicized in the above quote from the Final Action, is incomprehensible, and therefore fails on its face to meet the standard of MPEP 706.02(j)(D). Because the Examiner has failed to provide a comprehensible rationale, the Applicant is unable to contest the stated rationale.

25 The Examiner's rationale, expressed in the Final Rejection, is: "[I]t would have been obvious to one having ordinary skill in the art at the time the invention was made to modify each of the selectable region in Fig. 2 of Ito to be adjacent a side of the polygon on the display screen, and the plurality of selectable regions together at least partially circumscribing a region of the display since the number of selectable regions and the location of the selectable regions are the desirable choice based on the desired commands to be allocated to the selection regions (note

30

col. 7, lines 32-40 of Ito)." (Final Rejection, p.2, lines 18-23, emphasis added).

The section of Ito referred to above by the Examiner states: "The number of selection regions 25 is not limited to three. Desired commands can be allocated to the selection regions by rewriting the command names (codes) set in the command indication area 123 of the RAM 12. For example, function keys [F1] to [F10] used in a conventional computer keyboard may be arranged, as shown in FIG. 12, and desired command and processing functions may be allocated to the function keys, as shown in FIG. 13." (Ito, col. 7, lines 32-40). This contains no suggestion or justification for modifying the **location** of the selection regions, i.e. moving them **onto** the display. Indeed Ito's FIG. 12 clearly shows Ito's selection regions **outside** the display.

Applicant requested a telephone interview with the Examiner (Amendment dated 28 September 1998, Applicant Document Number 032-23, page 68, line 23) in part to ask for an explanation of the Examiner's stated rationale. The Examiner did not respond to the request.

The Final Rejection fails to **clearly** state the reasons supporting the rejection with respect to the combination of the Ito and Atkinson reference.. Specifically, in the Final Rejection, the Examiner references a non-existent Figure in the applied art. The Examiner based the rejection in part on a combination of Ito as modified with FIG. 1 of Atkinson (Final Rejection, p.4). Atkinson has no FIG. 1, only FIG. 1A and FIG. 1B.

The Examiner's failure to meet the clear statement standard is particularly egregious with respect to dependent claims. The Examiner's sole reference to dependent claims in the Final Rejection is: "As to dependent claims 20-32, 34-38, 40-51, 55-58, 62, 64, 66, 68, 69, 75, 77, 82-84, 86-88, 101-105, 108, 112, 113, 115-133, 135-146, 148-154, 156, 157, 167-169, 171-197, 199-205, they are also rejected for the same reasons as set forth in the rejection above." (Final Rejection, p.6, lines 9-11). This statement on its face lacks elements (B), (C), and (D) required by MPEP 706.02(j) discussed above.

C. Public policy dictates that the finality of the Final Rejection be withdrawn

It is the policy of the PTO to efficiently adjudicate patentability of patent applications. Efficient adjudication requires that the record of an application be complete on appeal so that the Board of Appeals need not remand the application for a further search or further explanation of the reasons for the rejection. The current record of the present application is incomplete, failing to provide a complete and clear rationale for the rejection of each claim, and therefore is not ripe for appeal.

The long list of unaddressed claim limitations will prevent the Board of Appeals from determining the patentability of all the appealed claims. Why were the claims incorporating unaddressed limitations rejected? Did the Examiner search these limitations? If so, why is no pertinent prior art cited? Without explicit answers to these questions in the record, the Board will remand this Application so these questions can be answered.

To further the efficient adjudication of this application, Applicant requests that the Commissioner withdraw the Final Rejection, reopen prosecution, require the Examiner to issue a complete and clear non-final action, and allow Applicant an opportunity to respond thereto.

D. Repeated appeals diminish Applicant of patent rights

The Commissioner must insure that cases going to appeal have complete records in order to avoid diminishing applicants' patent rights. Incomplete records diminish patent rights through delay.

This Application, if and when it matures into a patent, will expire 20 years from its filing date. Thus each day the Application is pending before the Examiner or the Board is one less day of effective patent term. It is bad enough that Applicant will endure one appeal, and its concomitant delay. Appeal on **this record** raises the prospect of a remand, possibly followed by a **second** appeal. The delay attendant in the process significantly diminishes Applicant's enjoyment of the resulting patent.

E. The Final Rejection violates of Applicant's right to due process

The Final Rejection deprives Applicant of patent rights to which he is presumptively entitled. It is uncontested that Applicant's claimed invention meets that standard set forth in 35 U.S.C. §101 and therefore is presumptively entitled to a patent under 35 U.S.C. §102, since the Examiner based **all** rejections on 35 U.S.C. §103. Under 35 U.S.C. §103, the burden is on the Examiner to make a *prima facie* case of obviousness.

In making the case of obviousness, the Commissioner must accord Applicant due process of law. Due process includes both procedural and substantive safeguards. As discussed below, the Final Rejection does not meet the minimum standard for either.

Procedurally, the Examiner's handling of this case has been arbitrary and capricious, as evidenced by (a) a pattern of carelessness in the Examiner's actions, and (b) a statement the Examiner made to Applicant. These acts and the statement are described below.

1. Applicant scheduled an in-person interview with the Examiner for 10 July 1997. The Examiner was unprepared for the interview. She had reviewed neither the case file nor the prior art of record prior to the interview. Due to the Examiner's lack of preparation, all outstanding issues could not be resolved in the limited time allotted for the interview.
- 5 2. Shortly after the in-person interview, in a telephone conversation with Applicant on 15 July 1997, the Examiner frankly stated that she had a large caseload and **had already spent too much time** on this Application. Thereafter the Examiner refused to discuss the merits of this case further with the Applicant.
- 10 3. The Examiner treated an Information Disclosure Statement filed in an unrelated case (Application No. 09/082,070) by an unrelated applicant (Alexander J. Eglit) as if it had been filed in this case. (Advisory Action, p.2, lines 7-11) The Examiner sent a copy of the Information Disclosure Statement to Applicant, breaching the PTO's duty of confidentiality under 35 U.S.C. 122.
- 15 4. In examining this Application, the Examiner has failed to fulfill her obligations under federal law. The Examiner has both a duty (a) to consider references submitted in an IDS, under 37 C.F.R. §1.197(b) and MPEP 707.05, and (b) to cite against an application the best references known to the Examiner, under 37 C.F.R. §1.104(c)(2) and MPEP 904.02. The Examiner breached one of these obligations. When filing this Application on 24 July 1995, Applicant simultaneously filed an IDS disclosing U.S. Patent No. 5,177,328 to Ito et al. In the Office Action of 27 February 1997, the Examiner did not cite or apply the Ito reference. In the Final Rejection, the Examiner cites Ito as the the primary reference, and even relies on it alone, as modified by the Examiner, for the rejection of claims 71, 74, and 76. (Final Rejection, p.5, line 13). In the Office Action of 27 February 1997 the Examiner either failed to consider the Ito reference in violation 37 C.F.R. §1.197(b), or knew of the Ito reference and intentionally failed to cite it in violation of 37 C.F.R. §1.104(c)(2).
- 25

The Examiner has failed to take the time required to afford Applicant due process. Due process requires that the Examiner search the prior art, consider the art of record in the Application, carefully consider the claims in light of the prior art, and provide a comprehensible, reasoned statement supporting the Examiner's decision on each claim. These steps take time, evidently more time than the Examiner was willing to allocate.

30

The Examiner's rationale for restricting the time she spent on this Application, i.e. a heavy

caseload, is irrelevant. The Applicant's constitutional right to due process of law is not a variable standard that can be adjusted to meet the exigencies of the Examiner's workload.

Substantively, due process requires that the Final Rejection include a (1) comprehensible, and (2) reasoned statement supporting its holding on (3) each rejected claim. As discussed above
5 in connection with the clear statement standard, the Final Rejection provides none of these.

F. The Final Rejection is based on the Examiner's personal knowledge

The Examiner based the Final Rejection in part on facts within her personal knowledge. Applicant requested affidavits attesting to these facts pursuant to 37 C.F.R. 104(d)(2) and 37
10 C.F.R. 107(b) or prior art references pursuant to 37 C.F.R. 104(d)(1). Applicant made these requests in the Amendment, Applicant Document Number 032-23, dated 28 September 1998, and in the Amendment After Final. The Examiner has failed to respond to these requests.

G. The Examiner applied the wrong standard in deciding Applicant's request for
15 reconsideration of the finality of the Final Rejection.

In the Advisory Action, the Examiner stated "Applicant's traversal of final rejection has been considered, but they are not persuasive *since the combination of the references read on the claims.*" (Advisory Action, p.2, lines 4-5, emphasis added.) This is not the issue in a request for reconsideration of the **finality** of the Final Rejection. The issue is whether the Final Rejection (1)
20 meets the legal requirements for a final rejection, i.e. 37 C.F.R. §113(b), (2) is not premature, and (3) accords the Applicant due process.

II. Enter the Video Tape

Applicant requests that the Commissioner enter the Video Tape into the record of this
25 Application, direct the Examiner to consider it, and make an entry to that effect in the record of this Application.

As described above, Applicant submitted Video Tape 032-27 in this case on 12 April 1999. This Video Tape shows a severely disabled individual using a prototype of the invention for computer access and voice output and graphically demonstrates a new result achieved by the
30 claimed invention. The Examiner has refused to **officially** consider the Video Tape and enter it into the record of this case. Instead the Examiner wrote in an Interview Summary, without further explanation, that the video tape had been "placed in the file".

Unofficially, the Examiner has already viewed the contents of Video Tape 032-27. Video Tape 032-27 is substantially identical to Video Tape 445-26, submitted in Application No. 08/506,445 on 12 March 1999. The '445 Application is a related application (specifically a CIP of the same parent application), and is also being examined by Examiner Liang. Examiner Liang told Applicant, in a phone conversation on 30 March 1999, that she had viewed Video Tape 445-26. The Video Tape was entered into the record of the Application '445, and this was documented in the Supplemental Amendment After Final Rejection, Applicant Document No. 445-27, filed on 13 April 1999, in the '445 case.

Tape 032-27 and Tape 445-26 are substantially identical, but may not be exact duplicates. The Tapes were made from the same master and record the same events. However, since Applicant does not have the video equipment required to make two tapes simultaneously, the tapes were made at different times. Although Applicant tried to make the Tapes exact duplicates, the Tapes probably do not start and stop on precisely the same frames. This is what is meant by the phrase "substantially identical."

On appeal, the Board will only consider evidence **considered** by the Examiner. Thus, the Examiner's refusal to officially make the tape of record, despite having seen it, denies Applicant the right to full review.

III. Enter the Amendment After Final

Applicant requests that the Commissioner enter the Amendment After Final into the record of this Application.

The Amendment After Final presents rejected claims in better form for appellate consideration, pursuant to 37 C.F.R. §1.116(a), by reducing the issues on appeal. In the Final Rejection, the Examiner rejected claim 39 based on a proposed modification of Ito. The Amendment After Final **removes from the appeal the issue** of whether the rejection of this claim is proper. Specifically, the Amendment replaces in claim 39 selection responsive to a selection event with selection responsive to a first quantity equalling or exceeding a first predetermined quantity. The first quantity is a function of a duration of a first period of intersection. The first period starts in response to the first location intersecting the particular selectable region and ends in response to the second location intersecting the particular selectable region.

The Amendment After Final also amends claims 46, 47, and 48, each depending from

claim 39 and referencing the selection event of claim 39, to be consistent with the new language of claim 39.

IV. Compensate applicant for PTO nonfeasance.

5 In the prosecution of this Application, the PTO has abused its discretion, acted negligently, and committed nonfeasance. This conduct has damaged Applicant.

The PTO originally assigned this case to Examiner Ulysses Weldon. Examiner Weldon planned to retire from the PTO after approximately 30 years of service and the PTO was aware of this. The PTO knew that (a) the time and effort expended by the Applicant and on his behalf
10 prosecuting this case before Examiner Weldon would be wasted, and (2) after Examiner Weldon's retirement, the PTO would assign a new examiner to this case who would examine this case *de novo*. This is, in fact, what occurred.

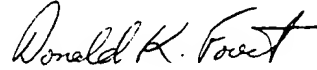
Under such circumstance, the PTO had a duty to reassign this case when it learned of Examiner Weldon's retirement plans. The failure of the PTO to do so constitutes abuse of
15 discretion, negligence, and nonfeasance.

The PTO's nonfeasance in this case is egregious. Not only did the PTO and Examiner Weldon know that Examiner Weldon was retiring, both the PTO and Examiner Weldon withheld this information from Applicant and his attorney, leading both to expend substantial time and effort preparing for an interview that the PTO knew would be a waste. At the time, Applicant's
20 attorney billed Applicant \$2501.80 for his services, most of which were spent preparing for and attending the interview. Examiner Weldon only called Applicant **one hour** before he retired to inform Applicant the case would be reassigned to another Examiner and examined *de novo*. This phone call was contemporaneously documented in Telephone Interview Summary. Applicant Document Number 032-10, dated 4 November 1996, which is of record in this case.

25 The bill referenced above is appended hereto. Applicant has paid this bill *in toto*.

Applicant requests that the Commissioner credit Applicant's Deposit Account, Number 06-1553, in the amount of \$2501.80 plus the cost of the fee for this Petition.

Respectfully submitted,



Donald K. Forest

Applicant

Date: 6 July 1999

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ALEXANDER V. YAMPOLOV*

October 31, 1996

Donald K. Forest
209 Croydon Avenue
Rockville, MD 20850
USA

Re: U. S. Patent Application Serial No. 08/506,032
For: DATA ENTRY METHOD AND APPARATUS
Inventor: Donald K. Forest
Our Reference: 2115-001

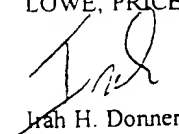
Dear Don:

Please find our invoice for services rendered in the above-identified subject matter.

Please let me know of any questions you may have.

Very truly yours,

LOWE, PRICE, LEBLANC & BECKER


Irah H. Donner

IHD:jad
Enclosure
Invoice (1)

LAW OFFICES
LOWE, PRICE, LEBLANC & BECKER
99 CANAL CENTER PLAZA
SUITE 300
ALEXANDRIA, VIRGINIA 22314
(703) 684-1111

140356

Donald K. Forest
209 Croydon Avenue
Rockville, MD 20850
USA

October 31, 1996

Re: U. S. Patent Application Serial No. 08/506,032
For: DATA ENTRY METHOD AND APPARATUS
Inventor: Donald K. Forest
Our Reference: 2115-001

For services rendered in connection with the
above-identified application, including:

Receipt and review of August 14, 1996 letter to Mr. Becker from Mr. Forest together with preliminary review of Office Action mailed June 19, 1996; conference with Mr. Forest on September 6, 1996 regarding demonstration of invention, review of Office Action and strategy for responding to same; receipt and review of facsimile letter of September 13, 1996 from Mr. Forest including questions and draft claims; telephone conference with Mr. Forest on September 17, 1996 with respect to information and basic demonstration; receipt and review of facsimile letter of September 18, 1996 from Mr. Forest forwarding proposed claims; preparation of Associate Power of Attorney, forwarding to Mr. Forest on September 30, 1996 for signature and filing with the U.S. Patent Office; review of revised claims from Mr. Forest in e-mail letter of September 26, 1996; subsequent review of e-mail letter of September 30, 1996 from Mr. Forest revising claims submitted in e-mail of September 26, 1996; revision of claims and forwarding same via facsimile to Mr. Forest on October 7, 1996; receipt and review of comments by Mr. Forest on October 7, 1996 of revised claims; subsequent review of comments by Mr. Forest and revise claims again and forward to Mr. Forest on October 7, 1996; telephone conference with Mr. Forest on October 7, 1996 regarding claim revisions and redraft claims in final; receipt of further revisions by Mr. Forest and review and revise and transmit same on October 8, 1996; final revision of claims and forwarding to Examiner Weldon via facsimile on October 8, 1996; telephone conferences with Examiner Weldon to schedule

Donald K. Forest
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October 31, 1996

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interview for October 9, 1996; telephone conference with Examiner Weldon on October 10, 1996 regarding prior art and proposed claims and subsequent conversations with Mr. Forest regarding same including differences of invention from prior art; receipt of two e-mail letters from Mr. Forest on October 11, 1996 providing detailed differences of invention over prior art and detailed review of same on October 16, 1996, receiving claim 107 and forwarding same for review to Mr. Forest; subsequent conference with Mr. Forest on October 16, 1996 regarding differences over prior art and interview strategy; in-person interview at the U.S. Patent Office on October 18, 1996, and consideration and subsequent conference with Mr. Forest regarding same; receipt of e-mail from Mr. Forest on October 22, 1996 and preliminary review of same; telephone conference with Mr. Forest on October 25, 1996 regarding outstanding issues, CIP application and requesting to review claim 62; detailed review of claim 62, amend claim 62 and forward to Mr. Forest for review.
(IHD 16.5 hs. @ \$200/hr.)

\$ 3,300.00

Less Courtesy (16.5 hrs. @ \$50/hr.)

-825.00

Total Legal Services

2,475.00

DISBURSEMENTS

Facsimile
Photocopies and postage

24.00

2.80

\$2,501.80

IHD/jad